

April 25, 2013

Sharon L. Summers  
Division of Social Services  
1901 North DuPont Highway  
P. O. Box 906  
New Castle, DE 19720-0906

**RE: DSS Proposed Child Care Subsidy Definitions Regulation [16 DE Reg. 1043 (April 1, 2013)]**

Dear Ms. Summers:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Division of Social Services (DSS) proposal to amend a single definition in its Child Care Subsidy Program regulation. The rationale for the change includes the desire to conform to Office of Child Care Licensing (OCCL) standards.

Council would like to share two observations.

First, DSS recites as follows in the Summary of Proposed Changes:

- 1) This regulatory action changes the number of children in "Child Care Centers" from 12 or more to 13 or more; ...

However, the actual text of the proposed revision is omitted from both the "paper" and electronic version of the regulation. The current regulatory definition of "Child Care Centers" from 16 DE Admin Code 11000, §11002.9 is attached for facilitated reference. This is the section DSS intended to amend by substituting "13" for "12".

Second, DSS is amending the definition of "large family child care home" to cover non-residential centers and change the qualifications from caring for 6-12 children to 7-12 children:

~~A private residence other than the child's residence, where licensed care is provided for more than six but less than twelve children who are not related to the caregiver. A private residence other than the child's residence or a non-residential site where licensed care is provided for seven to twelve children who are not related to the caregiver....~~

At 1044. Unfortunately, this definition is at odds with the attached OCCL definition published at 9 DE Reg. 104, §3.0. The OCCL definition, in pertinent part, reads as follows:

The person or entity has in custody or control seven (7) to a maximum of twelve (12) children preschool age or older who live at and/or are present at the Large Family Child Care Home. In addition to the children preschool-age or younger, this person or entity may also have custody or control of one (1) to a maximum of two (2) school-age children who do not live at the Large

Family Child Care Home but are present only for before and after school, and/or during school holidays, and/or during the summer....<sup>1</sup>

The DSS definition is not co-terminous with the OCCL definition since: 1) it omits the OCCL age criteria; and 2) it would not permit the presence of 1-2 school-age children in addition to the complement of 7-12 children.

Given these observations, DSS may wish to consider republication of a corrected proposed regulation.

Thank you in advance for your time and consideration of our observations. Please feel free to contact me or Wendy Strauss should you have any questions.

Sincerely,

Dafne A. Carnright  
Vice Chairperson

DAC:kpc

Enclosures

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<sup>1</sup>Council suspects the OCCL regulation contains an erroneous reference, i.e., the word “older” should be “younger”.